

**Livestock — Animals — Condemnation of Livestock—
Claims.**

Under the facts appearing in the opinion, the claims referred to therein may be collected by the county and state.

Dr. W. J. Butler,
State Veterinary Surgeon,
Helena, Montana.

My dear Dr. Butler:

You have submitted to this office certain claims for indemnity against the Livestock Sanitary Board, and have asked whether such claims may be paid by such board.

As I understand, the facts are substantially as follows: A number of animals were condemned and ordered killed, such animals being out in the country. If they had been killed at the place where condemned there would have been no salvage, but by shipping them

to a packing company in eastern Montana the salvage price obtained would exceed seventy-five per cent of the assessed value. The owners of the animals advised the board that they would accept the salvage money in lieu of indemnity, and the animals were accordingly shipped to the packing company. The packing company received the animals and killed the same, but before paying therefor became involved in financial difficulties, so that the animals have not yet been paid for. The owners now state that they are willing to accept the indemnity in lieu of salvage, assigning to the board their claims for salvage against the packing company. If this can be done the state and county will be paying no more than they would have been required to pay if the animals had been destroyed in the immediate locality where condemned, and the state and county may receive from the packing company the amount of salvage, or a part thereof.

As the agreement of the owners was for the actual benefit of the state and county, saving the state and county from the payment of any indemnity whatever, which they would otherwise have been required to pay if the salvage value had not been received from the packing company I can see no objection why the amount of the indemnity may not now be paid to the owners, provided the owners assign their salvage claims to the state and county. The state and county will be no poorer financially than they would have been if the indemnity had been paid in the first instance, and may be better off financially if any amount is eventually received by the state and county on the salvage claims.

It is, therefore, my opinion that such claims may be paid, and the county and state subrogated to the rights of the owners of the animals to salvage from the packing company.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.